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ORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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IN THE MATTER OF THE FORMAL
COMPLAINT OF ACCIPITER
COMMUNICATIONS, INC. AGAINST
VISTANCIA COMMUNICATIONS, LLC,
SHEA SUNBELT PLEASANT POINT, LLC
AND COX ARIZONA TELCOM, LLC.

DOCKET NO. T-03471A-05-0064

STAFF'S RESPONSE TO COX ARIZONA
TELCOM, LLC'S MOTION TO DISMISS

On November 5, 2014, Cox Arizona Telcom, LLC ("Cox") filed a Motion to Dismiss the Complaint filed by Accipiter Communications, Inc. dba Zona Communications ("Accipiter") in this Docket. Accipiter filed its Complaint against Vistancia Communications, L.L.C ("Vistancia Communications"), Shea Sunbelt Pleasant Point, L.L.C ("the Developer"), and Cox on January 31, 2005.

In its Motion, Cox states that it believes it is appropriate to dismiss the Complaint and close this Docket because Cox and Accipiter have settled their dispute, Accipiter has requested to withdraw from the Docket, the private easement arrangement was extinguished by the City of Peoria, Accipiter is currently providing service in Vistancia, and the passage of time has created challenges in conducting any further hearings in the matter due to the availability of witnesses (or lack thereof) and the impact of time on witness recall.

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Arizona Corporation Commission

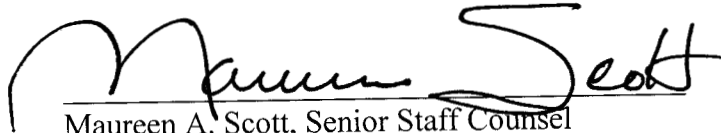
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1 Based on the above, Staff has no objection to this matter being dismissed.

2 RESPECTFULLY SUBMITTED this 9th day of December, 2014.

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10 Original and thirteen (13) copies
11 of the foregoing filed this 9th
12 day of December, 2014 with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Copies of the foregoing emailed
18 this 9th day of December, 2014 to:

19 Copies of the foregoing mailed
20 the 10th day of December, 2014 to:

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